

# MEMORANDUM

Agenda Item No. 10(A)(2)

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**TO:** Hon. Chairperson and Members  
Board of County Commissioners

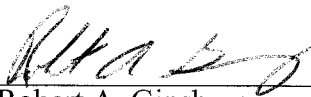
**DATE:** May 20, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Resolution urging the Governor  
to veto the Agricultural Lands and  
Practices Act

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** May 20, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 10(A)(2)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 10(A)(2)

5-20-03

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RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE GOVERNOR TO VETO THE  
AGRICULTURAL LANDS AND PRACTICES ACT, CS/CS/SB  
1660

**WHEREAS**, the Florida House and Senate passed “the Agricultural Lands and Practices Act,” Committee Substitute for Committee Substitute for Senate Bill 1660, Enrolled (CS/CS/SB 1660) during the final week of the 2003 regular session of the Florida Legislature; and

**WHEREAS**, CS/CS/SB 1660 is a sweeping preemption of county regulation of farm operations; and

**WHEREAS**, CS/CS/SB 1660 would prohibit Florida counties from exercising any of their powers to “prohibit, restrict, regulate or otherwise limit” activities of a bona-fide farm operation if (1) such activity is regulated by best management practices or by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or under certain circumstances a water management district; or (2) such activity is regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency; and

**WHEREAS**, Miami-Dade County is completing a comprehensive ‘Agricultural and Rural Area Study’ with its primary focus on agriculture retention, the recommendations of which could be seriously compromised as a result of the provisions of CS/CS/SB 1660; and

**WHEREAS**, CS/CS/SB 1660 would significantly limit Miami-Dade County’s ability to manage growth in a well-planned manner, particularly in areas along major highways, such as U.S. 1 in the southern part of Miami-Dade County; and

**WHEREAS**, CS/CS/SB 1660 could eliminate Miami-Dade County's authority to apply zoning regulations to farms, including setbacks for buffering, and height and structure restrictions for compatibility; and

**WHEREAS**, CS/CS/SB 1660 could result in a property owner establishing any type of *non-farm* use so long as a farm exists on a parcel of land; and

**WHEREAS**, CS/CS/SB 1660 could limit Miami-Dade County's authority to enact environmental protections, such as groundwater, wellfield, pollution-control, stormwater management, and wetlands protections that are stricter than state regulations; and

**WHEREAS**, CS/CS/SB 1660 could eliminate Miami-Dade County's authority to protect the public and property owners adjacent to farm lands from nuisances, such as excessive aerial spraying, noise, odor, and traffic associated with farming operations; and

**WHEREAS**, the sweeping nature of CS/CS/SB 1660 could eliminate Miami-Dade County's authority to protect the public on farms in other important areas, such as building code compliance, fire safety, and solid waste regulations; and

**WHEREAS**, the purported rationale for CS/CS/SB 1660 is that local government regulation is the reason for recent declines in the agricultural industry, but broader market forces are more likely the reason, and supporters of the bill have been able to articulate few examples statewide of local regulation that has harmed the industry; and

**WHEREAS**, CS/CS/SB 1660 would create a patchwork of local farm regulation because it exempts from its purview all cities and all of Broward County, but applies to the unincorporated areas of all other Florida counties;

**WHEREAS**, CS/CS/SB 1660 may be unconstitutional because of its uneven application to some counties but not others and to counties but not cities,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. This Board urges Governor Jeb Bush to veto "the Agricultural Lands and Practices Act," CS/CS/SB 1660.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Governor and the Chair and members of the Miami-Dade County State Legislative Delegation.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jimmy L. Morales  
Dorrin D. Rolle  
Katy Sorenson

Dr. Barbara Carey-Shuler  
Betty T. Ferguson  
Joe A. Martinez  
Dennis C. Moss  
Natacha Seijas  
Rebeca Sosa

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of May, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.

JMM/RA6

By: \_\_\_\_\_  
Deputy Clerk

Jess M. McCarty